

Appendix C: Pertinent Correspondence

Date	From	To	Regarding
April 30, 1999	Thomas A. Weber USDA	Regional and State Conservationists	NRCS guidance letter to suspend requirement to make determinations on farmland that is already committed to development through local actions
October 17, 2005	Mark O. Staples Property Reserve Inc.	Ken Leetham City of Saratoga Springs	Agriculture Protection Areas held by the Church of Jesus Christ of Latter-day Saints (PRI)
July 13, 2006	Mick Crandall UTA	Heidi Spoor HDR Engineering	UTA concurrence to be a participating agency
July 17, 2006	Doug Hattery WFRC	Heidi Spoor HDR Engineering	WFRC concurrence to be a participating agency
July 26, 2006	Martha Hayden Utah Geological Survey	Sheri Murray Ellis SWCA	Paleontological file search
July 28, 2006	Larry W. Crist USFWS	Heidi Spoor HDR Engineering	USFWS concurrence to be a participating agency
July 31, 2006	Larry Crist USFWS	Todd Emery FHWA	USFWS scoping comments
August 7, 2006	Edward Woolford FHWA	Patti Timbimboo Northwestern Band of Shoshone Nation Betsy Chapoose Uintah & Ouray Tribal Business Committee Nancy Murillo Shoshone-Bannock Tribes	Request for scoping comments
September 5, 2006	Ray Grow NRCS	Heidi Spoor HDR Engineering	Verification that NRCS guidance letter is still applicable
October 3, 2006	Larry Svoboda EPA	Walter C. Waidelich FHWA John Njord UDOT	EPA scoping comments
February 12, 2007	Kip Billings WFRC	Dave Kilmurray HDR Engineering	Air quality conformity and congestion management process
April 11, 2007	Carolyn B. Smith Shoshone-Bannock Tribes	Edward Woolford FHWA	Request to provide technical comments to the EIS
April 12, 2007	Jennifer Elsken and Elizabeth Giraud UDOT	Cory Jensen Utah SHPO	Findings of adverse effect
June 4, 2007	Edward Woolford FHWA	Carol Legard Advisory Council on Historic Preservation	Advisory Council notification of Adverse Effect



Date	From	To	Regarding
June 6, 2007	Jennifer Elsken UDOT	Edward Woolford FHWA	Section 4(f) <i>de minimis</i> impacts finding concurrence request
June 7, 2007	Heidi Spoor HDR Engineering, Inc.	Larry Crist USFWS	No Effect – special-status species to fill requirements of informal Section 7 consultation
June 19, 2007	Katry Harris Advisory Council on Historic Preservation	Edward Woolford FHWA	ACHP participation in consultation process to resolve adverse effect is not needed

05/11/99 12:42 FAX 801 524 5059

USDA/NRCS UTAH

001/0



United States
Department of
Agriculture

Natural Resources
Conservation
Service

P.O. Box 2890
Washington, D.C.
20013

APR 30 1999

SUBJECT: LNU - Field Office Workload Reduction - Farmland Protection Policy Act (FPPA)

TO: Regional Conservationists
State Conservationists

File Code: 410

This addresses item #12 of the Chief's July 15, 1998, letter on Field Office Workload Reduction regarding the administrations of the FPPA. It recommended to stop making determinations under the FPPA where local zoning takes precedence, specifically, for bridge replacement, road widening, new roads, and for conversion less than one acre. We have reviewed the request and agree that in most cases, this action results in an unnecessary workload and paperwork.

In 7 CFR Part 658, section 658.2 (a) defines farmland as prime and unique or of statewide or local importance. It does not include land already in or committed to urban development or water storage. Section 658.4 (a) also indicates that an agency may determine whether or not a site is farmland or request Natural Resource Conservation Service (NRCS) to make that determination on form AD-1006.

It is not unrational to assume that when funds have already been committed for utilities, water lines, and road replacement and widening, the land is committed to development and can be exempt from having to make a determination. We also recognize that the last farm syndrome in town is not enough to support an agricultural infrastructure, or if it is, not for very long. This syndrome may be tantamount to preserving green or open space which is a local issue and decision. It can be strongly argued and supported by most processes used by local units of government to assess the conversion commitments, that farmland in the above situations does not fit the definition of farmland as defined in the FPPA implementing regulations.

Thus, pending a proposed action to have an interagency task force to review and propose modifications to both the FPPA statute and the codified rules, I am suspending the requirement to make determinations on farmland that is already committed to development through local actions.

If you have further questions, please call Fen C. Hunt at (202) 720-7671.

Thomas A. Weber
Acting for
THOMAS A. WEBER
Deputy Chief for Programs

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

To: *Stephanie Smith*
Dept./Agency: *Harrisburg Engineering*
Fax #: *Harrisburg Engineering*

CC:

Joan Comanor, Director, RCCD, NRCS, Washington, D.C.
Fen Hunt, Land Use Planner, RCCD, NRCS, Washington, D.C.

NSN 7540-01-317-7388

5099-101

GENERAL SERVICES ADMINISTRATION

The Natural Resources Conservation Service (NRCS),
formerly the Soil Conservation Service, is an agency of the
Department of Agriculture

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Property Reserve Inc.
5 Triad Center, Suite 650
Salt Lake City, UT 84180
(801)240-5862

*Rec'd from Saratoga Springs
Nov 22, 2005
During project
update mtg.*

*226879
5.7.5*

October 17, 2005

Mr. Ken Leetham, AICP
City Manager
Saratoga Springs
2015 South Redwood Road
Saratoga Springs, Utah 84043

RE: Saratoga Springs Future Planning

Dear Mr. Leetham:

Thank you for the opportunity of visiting with you regarding the holdings of the LDS Church which are currently within the city limits of Saratoga Springs and those which will be annexed in the future. Attached is a map of said properties for your reference.

At the present time, we continue to farm these properties. We would appreciate having our properties considered within all future city analysis regarding municipal services such as culinary water, sanitary sewer, secondary irrigation systems, master storm drainage and transportation planning.

We will continue our agricultural operations in the near term, but would expect that in the years to come our property will need to be considered as part of the solutions for the expected growth in the area.

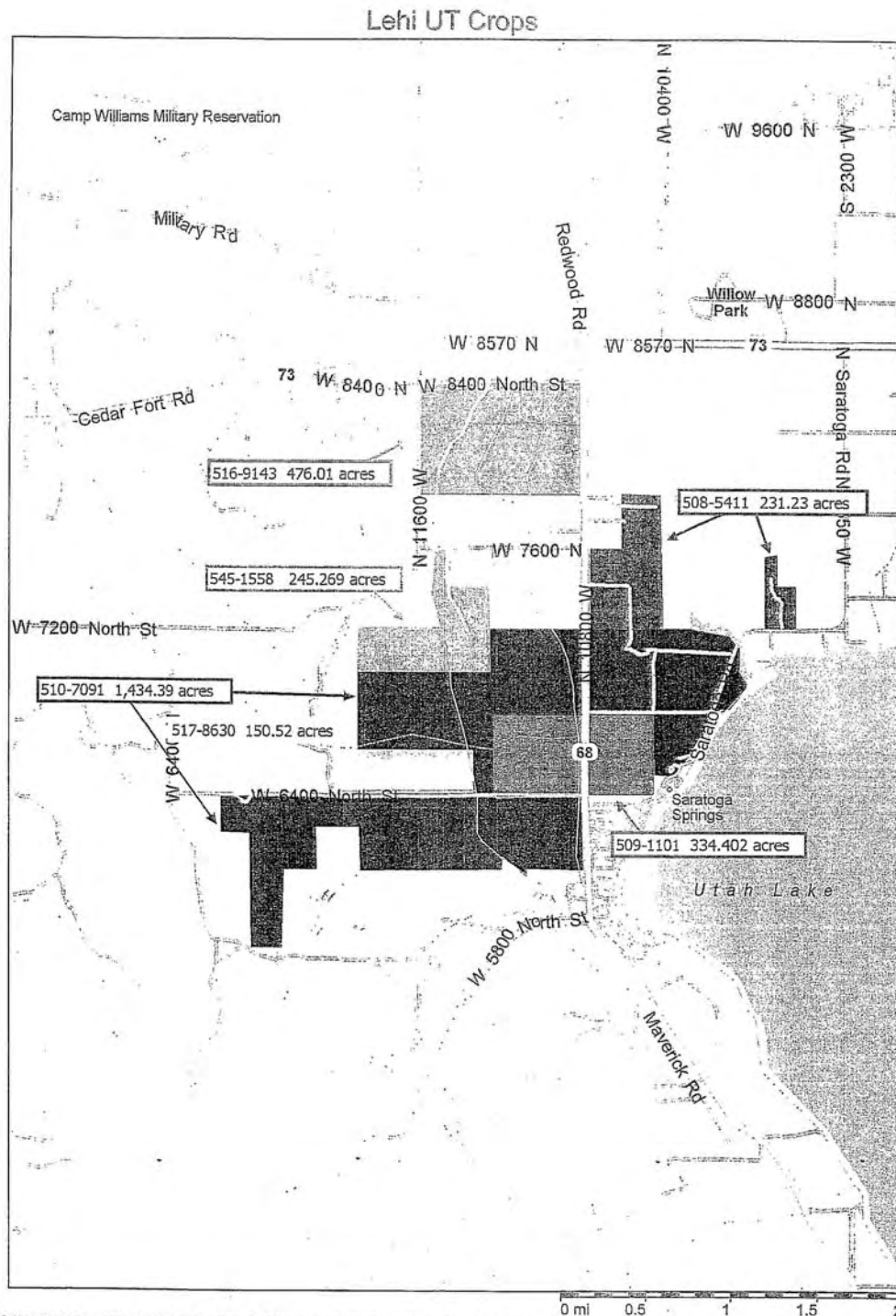
Thank you for your consideration.

Sincerely,

Mark O. Staples
Manager, Strategic Planning

Attachment

cc: Brian Carrington
Brent Chugg
Kevin Neild



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July 13, 2006

JUL 17 2006

Ms. Heidi Spoor
HDR Engineering, Inc.
3995 South 700 East, Suite 100
Salt Lake City, UT 84107-2594

Dear Ms. Spoor:

Re: SR – 108 EIS

Thank you for your letter of July 3, 2006, regarding the Environmental Impact Statement for State Route 108 in Davis and Weber Counties. UTA will be pleased to cooperate with this study by being a Participating Agency.

We appreciate your taking time to notify us of the study and inviting us to be involved. We look forward to participating and contributing to the success of the EIS. If you have any questions, please contact Tom Cluff, Strategic Planner at 287-2579.

Sincerely,

UTAH TRANSIT AUTHORITY

Mick Crandall,
Deputy Chief – Planning and Programming

UTAH TRANSIT AUTHORITY

3600 SOUTH 700 WEST (84119) P. O. BOX 30810 SALT LAKE CITY, UTAH 84130-0810 TEL. 801.262.5626 www.rideuta.com



From: dhattey [dhattey@wfr.org]
Sent: Monday, July 17, 2006 2:54 PM
To: Spoor, Heidi K.
Cc: kbillings; echappell; Renae Bodily
Subject: WFR as Participating Agency in SR-108 EIS
Dear Ms. Spoor:

Thank you for inviting the Wasatch Front Regional Council to be a participating agency in the SR-108 environmental study. We are glad to do so. Kip Billings will be our representative for this study. Kip can be reached at our offices at 295 North Jimmy Doolittle Road, Salt Lake City, 84116; by phone at (801) 363-4230 x 115 (Salt Lake) or (801) 773-5559 (Ogden); or by e-mail at kbillings@wfr.org. Kip will be attending the agency partnering meeting on August 3.

Please let us know if you have any questions. We look forward to working with HDR in this study.

Sincerely,

Doug Hattery
Deputy Director
363-4230 x 109



State of Utah
Department of
Natural Resources

MICHAEL R. STYLER
Executive Director

Utah
Geological Survey

RICHARD G. ALLIS, PH.D.
*State Geologist/
Division Director*

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

July 26, 2006

Sheri Murray Ellis
SWCA Environmental Consultants, Inc.
257 East 200 South, Suite 200
Salt Lake City UT 84111

RE: Paleontological File Search and Recommendations for UDOT Project No.
STP-0108(13)4E: SR-108, Davis and Weber Counties, Utah
U.C.A. 63-73-19 compliance; literature search for paleontological
specimens or sites

Dear Sheri:

I have conducted a paleontological file search for the SR-108 Project in response to your letter of July 24, 2006. This project qualifies for treatment under the UDOT/UGS executed Memorandum of Understanding.

There are no paleontological localities recorded in our files for this project right-of-way. Quaternary alluvial deposits (Qas) that are exposed in this project area have a low potential for yielding significant fossil localities. However, there may also be exposures of Lake Bonneville deposits (Qlts), which have the potential for yielding significant vertebrate fossil localities. Please be aware of possible impacts to paleontological resources if these deposits are disturbed as a result of construction activities. Unless fossils are discovered as a result of construction activities, this project should have no impact on paleontological resources.

If you have any questions, please call me at (801) 537-3311.

Sincerely,

Martha Hayden
Paleontological Assistant



07/28/2006 11:14 FAX 801 975 3331

USFWS-Utah Field Office

002/003



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply Refer To
FWS/R6
ES/UT
FA-0402

July 28, 2006

Heidi Spoor
HDR Engineering, Inc.
3995 South 700 East, Suite 100
Salt Lake City, Utah 84107-2594

RE: State Route (SR) - 108 EIS Invitation to Become a Participating/Cooperating Agency

Dear Ms. Spoor:

The U.S. Fish and Wildlife Service is responding to your letter of July 3, 2006, regarding an Environmental Impact Statement for transportation improvements to State Route (SR) - 108 in Davis and Weber Counties in Utah. Your letter conveys an invitation from the Federal Highway Administration (FHWA) to participate as a cooperating agency in the preparation of the DEIS and FEIS. The invitation is issued pursuant to Section 6002 of SAFETEA-LU.

We have reviewed the proposed transportation improvement project as described in the materials accompanying the invitation. Based on information available to us at this time, we do not believe the potential magnitude of impacts to fish and wildlife resources warrants our participation as a cooperating agency. Rather, we believe it would be most appropriate for the Fish and Wildlife Service to assist as a participating agency. In that role, we will respond to requests for technical assistance and respond to documents provided for our review in a timely manner to assist in identification and evaluation of potential impacts and preparation of the environmental documents. If additional information becomes available that indicates a more involved role would be beneficial for all parties, we will initiate discussions with you and reconsider our level of participation.

We appreciate the invitation and look forward to working with you on this project as a participating agency. Our lead biologist on this project will be Paul Abate, Ecologist. He



07/28/2006 11:14 FAX 801 975 3331

USFWS-Utah Field Office

003/003

can be reached at the letterhead address or (801) 975-3330 ext. 130, or email:
paul_abate@fws.gov. Queries about this response should be directed to Lucy Jordan,
Fish and Wildlife Biologist, at extension 143 or email: lucy_jordan@fws.gov.

Sincerely,

Larry W. Crist
Acting Utah Field Supervisor

cc: UDWR - Ogden (Attn: Pam Kramer)



United States Department of the Interior
FISH AND WILDLIFE SERVICE
UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply Refer To
FWS/R6
ES/UT
FA-0400
ER 06/0667

July 31, 2006

Todd Emery, Transportation and Environmental Engineer
Federal Highway Administration
2520 West 4700 South, Suite 9A
Salt Lake City, Utah 84118

RE: Notice of Intent to Prepare an Environmental Impact Statement for SR-108
Improvements, Davis and Weber Counties, Utah

Dear Mr. Emery:

The Fish and Wildlife Service (Service) has received notice of your intent to prepare an environmental impact statement (EIS) for proposed improvements to SR-108 in Davis and Weber counties between SR-127 and SR-126. We are providing the following comments for your consideration.

Pursuant to the Migratory Bird Treaty Act, our responsibilities to States under section 6 of the Endangered Species Act (ESA) of 1973, and the Fish and Wildlife Act of 1956, we are identifying issues that should be addressed relative to fish and wildlife resources for this project. In Section 1 of this letter we identify issues that should be addressed in the EIS. Section 2 of this letter addresses your ESA section 7 responsibilities.

Section 1

This portion of SR-108 is directly adjacent to significant agricultural land that at certain times of the year provides habitat for various wildlife species, including migratory birds. Executive Order 13186 on the Responsibilities of Federal Agencies to Protect Migratory Birds specifies the need to avoid or minimize adverse impacts on migratory bird resources when conducting agency actions, as well as the need to restore and enhance the habitat of migratory birds.

To help meet responsibilities under the Migratory Bird Treaty Act and E.O. 3186, we recommend planning construction activities to minimize effects during the critical breeding and migratory seasons for migratory birds, minimize temporary and long-term habitat losses, and mitigate unavoidable habitat losses. Ground-disturbing activities should occur outside of the migratory bird breeding season so that take of nesting



migratory birds is avoided. We recommend that particular emphasis be given to species on the Service's 2002 List of Birds of Conservation Concern (BCC) and those identified as Priority Species by the Utah Partners in Flight (PIF). These species are considered high conservation priorities; we encourage proactive management, planning of projects to minimize impacts, and building habitat improvements into the project plan where feasible, to help prevent further decline. For all surface-disturbing activities, we recommend the following conservation measures be included in the EIS: survey the area prior to construction to identify nest locations for BCC species, schedule activities around located breeding birds, and compensate for habitat lost by contributing to habitat enhancement or providing compensatory habitat mitigation in in-kind high-value habitat areas at a 4:1 acre-per-acre ratio. The Service is available to assist with guidance regarding site-specific spatial and temporal buffers as well as mitigation of project related impacts.

We recommend use of the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck, 2002) which were developed in part to provide consistent application of raptor protection measures statewide and provide full compliance with environmental laws regarding raptor protection. Raptor surveys and mitigation measures are provided in the Raptor Guidelines as recommendations to ensure that proposed projects will avoid adverse impacts to raptors, including the peregrine falcon.

As with all projects that will create surface disturbance, there is potential for introduction and spread of invasive species. All possible measures should be taken to prevent the introduction or further proliferation of invasive species. Monitoring and control efforts should be implemented following construction. Revegetation seed mixes should, to the extent practicable, contain native plants or non-natives that will not naturalize.

Section 2

Federal agencies have specific additional responsibilities under section 7 of the ESA. Current county species lists can be obtained from the Service website: <http://mountain-prairie.fws.gov/endspp/CountyLists/Utah.htm>. The proposed action should be reviewed and a determination made if the action will affect any listed species or their critical habitat. If it is determined by the Federal agency, with the written concurrence of the Service, that the action is not likely to adversely affect listed species or critical habitat, the consultation process is complete, and no further action is necessary.

Formal consultation (50 CFR 402.14) is required if the Federal agency determines that an action is "likely to adversely affect" a listed species or will result in jeopardy or adverse modification of critical habitat (50 CFR 402.02). Federal agencies should also confer with the Service on any action which is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat (50 CFR 402.10). A written request for formal consultation or conference should be submitted to the Service with a completed biological assessment and any other relevant information (50 CFR 402.12).

Candidate species have no legal protection under the ESA. Candidate species are those species for which we have on file sufficient information to support issuance of a proposed



rule to list under the ESA. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing resource managers to alleviate threats and, thereby, possibly remove the need to list species as endangered or threatened. Even if we subsequently list this candidate species, the early notice provided here could result in fewer restrictions on activities by prompting candidate conservation measures to alleviate threats to this species.

Only a Federal agency can enter into formal ESA section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

Your attention is also directed to section 7(d) of the ESA, as amended, which underscores the requirement that the Federal agency or the applicant shall not make any irreversible or irretrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable and prudent alternatives regarding their actions on any endangered or threatened species.

We appreciate the opportunity to provide these comments. If further assistance is needed or you have any questions, please contact Paul Abate, Ecologist, at (801) 975-3330 extension 130.

Sincerely,

Larry Crist
Acting Utah Field Supervisor



U.S. Department
Of Transportation
**Federal Highway
Administration**

Utah Division

2520 West 4700 South, Ste. 9A
Salt Lake City, UT 84118-1847

August 7, 2006

File: STP-0108(13)4E

Patti Timbimboo- Madsen, Cultural Resources Director
Northwestern Band of Shoshone Nation
707 North Main St.
Brigham City, UT 84302

Subject: SR-108, SR-127 to SR-126 on the North Environmental Impact Statement (EIS)
Request for Scoping Comments
Project No. STP-0108(13)4E

Dear Ms. Madsen:

The Federal Highway Administration (FHWA), in cooperation with the Utah Department of Transportation (UDOT), is preparing an EIS on a proposal to address existing and projected transportation demands along SR-108 through portions of Weber and Davis Counties, Utah. The study area follows the existing SR-108 corridor from SR-127 (Antelope Drive) on the south to SR-126 on the north. This corridor passes through, from south to north, the communities of Syracuse, West Point, Clinton, Roy, and West Haven. Maps depicting the study corridor are provided with this letter.

The proposed corridor is approximately 10 miles long. Alternatives under consideration include (1) taking no-action (no-build); and (2) build alternatives. Transportation build alternatives to be studied include widening the existing roadway and other alternatives identified during the scoping process. The build alternatives will be designed over the next several months. As such, exact areas of ground disturbance to implement any build alternative that may be selected through preparation of the EIS are not currently known.

FHWA will be the lead agency for purposes of the Section 106 process for this project. In accordance with Section 106 regulations published by the Advisory Council on Historic Preservation (ACHP), 36 CFR Part 800, FHWA and UDOT request that you review the information above and the enclosed maps to determine if there are any historic properties of traditional religious and/or cultural importance that may be affected by the proposed undertaking. If you feel that there are any historic properties that may be impacted, we request your notification as such and your participation as a consulting party during the development of the environmental document.

SWCA Environmental Consultants (SWCA) is under contract to UDOT to carry out a cultural and paleontological resources study of the SR-108 project area and to assist FHWA and UDOT





in consulting with Native American groups who may have concerns regarding the proposed project's potential impacts on important traditional and/or religious sites. As noted above, specific areas of ground disturbance have not yet been identified. For this reason, SWCA has been tasked with investigating the area within 200 feet either side of the existing roadway centerline for cultural resources. We would be happy to provide you with copies of the cultural resources report upon its completion or with a more concise management summary of the document's findings.

At your request, FHWA and UDOT staff will be available to meet with you to discuss any concerns you may have about the project. At the present time, Mr. Christopher Lizotte of the UDOT Region One office has been designated the lead agency representative for cultural resource issues. Please be assured that FHWA, UDOT, and SWCA representatives will maintain strict confidentiality about certain types of information regarding traditional religious and/or cultural historic properties that may be affected by this proposed undertaking. We would also appreciate any suggestions you may have about any other groups or individuals that we should contact regarding this project.

Should you have concerns about this project and/or wish to be a consulting party, feel free to contact me by telephone at (801) 963-0078, extension 235. Dr. Elizabeth Perry, SWCA Project Anthropologist, will be contacting you within the next two weeks to verify receipt of this information and to discuss the need for further consultation. In order to facilitate our consultation with you regarding this project, we would greatly appreciate a response to this letter within 30 days of receipt.

Thank you for your attention to this project notification and for any comments you may have.

Respectfully,

Edward Woolford
Environmental Specialist

Enclosures (1)

cc with enclosure:

Chris Lizotte, UDOT
David Kilmurray, HDR
Sheri Ellis, SWCA





Identical letters sent to the following:

Betsy Chapoose
Cultural Rights and Protection
Uintah & Ouray Tribal Business Committee
P.O. Box 190
Fort Duchesne, UT 84026

Blaine J. Edmo, Chairman
Shoshone-Bannock Tribes
Fort Hall Business Council
P.O. Box 306 Pima Drive
Fort Hall, ID 83203

Nancy Murillo





Telephone Record



Project: STP-0108(13)4E	Project No:
Date: September 5, 2006	Subject: Prime and Unique Farmlands
Call to:	Phone No:
Call from: Ray Grow, NRCS	Phone No:

Discussion, Agreement and/or Action:

On August 29, 2006 Heidi sent the NRCS a letter stating that in the past, the Prime Farmland Rule has not applied for projects that were totally within city boundaries. Heidi asked NRCS to evaluate a project area map and notify HDR as to whether or not the Prime Farmland Rule applies and if so, of any prime, state, unique, or locally important farmlands that may be associated with this project.

Ray Grow from the NRCS left Heidi Spoor a message in response to the letter. The message stated that farmlands within city boundaries were still exempt from the Prime Farmland Rule and that any correspondence to that affect from past projects was still valid.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

OCT - 3 2006



*John Carlos
Xin m
Shane m
Cory P.
Charles m*

Ref: 8EPR-N

Walter C. Waidelech, Division Administrator
Federal Highway Administration
2520 West 4700 South
Suite 9A
Salt Lake City, UT 84118

John Njord, Executive Director
Utah Department of Transportation
4105 South 2700 West
Salt Lake City, UT 84119

Re: Scoping Comments on SR-108,
Weber and Davis Counties, UT

Dear Messrs: Waidelech and Njord:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) Region 8 office is providing scoping comments regarding the Environmental Impact Statement (EIS) for State Road 108 from West Haven in Weber County to Syracuse in Davis county. This highway corridor functions as a major north-south, 9.5 mile corridor, through five cities in Davis and Weber Counties. Thank you for the opportunity to comment during Scoping.

EPA recognizes the Utah Department of Transportation's (UDOT) difficult task to keep pace with the transportation needs due to growth in the Salt Lake Region. The growth in the Salt Lake Region has necessitated a "reactive" approach to transportation planning. We encourage regional planning agencies to look into the future and consider smart growth options that would minimize sprawl, reduce infrastructure needs and costs, and provide a more sustainable vision for the preservation of natural resources. Smart growth for this area would entail more town-centered, transit and pedestrian oriented, and mixed housing/commercial and retail uses. In addition, smart growth recognizes the need to preserve open spaces and other environmental amenities.

This project appears to be beyond the scope of Envision Utah, the primary Smart Growth planning tool used for the Wasatch Front. However, the web site for this project indicates that public meetings will be held in each of the towns of the affected area. It is not clear whether visioning meetings (of the type conducted for some major highway projects in Utah) will be held.



Such forward planning meetings have been very beneficial to the communities seeking smart growth. Through community meetings, we recommend that UDOT take a proactive approach and promote planning that minimizes impacts on the environment. For example, grant information might be disseminated about the Federal Highway Administration (FHWA) Transportation, Community, and System Preservation Program grants. Such grants could assist with integration of transportation, community, and system preservation plans and practices. In particular, the communities could examine development patterns and identify strategies to encourage compatible private sector development patterns. A sustainable regional development plan could be the outcome of such visioning sessions and community analysis.

If you are interested, EPA could assist UDOT and FHWA in explaining Smart Growth concepts and providing information on different scenarios, ordinances, or examples of where smart growth principles have made a significant difference in economics and environmental resource protection. Much information is available on the EPA website at www.epa.gov/smartgrowth. In addition, experts from the Region 8 Office are available to speak on this topic.

Enclosed are EPA's detailed scoping comments. These comments are intended to help ensure a comprehensive assessment of the project's environmental impacts, adequate public disclosure, and an informed decision-making process for alternative selection. We sincerely hope that our scoping comments will be beneficial to you and to the project. If you have any questions about these comments, please contact Robin Coursen of my staff at (303)312-6695. She will be the primary EPA contact for this project. We appreciate the working relationship we have established through the previous transportation projects and anticipate continued success working with you on this document.

Sincerely,

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

Enclosure

cc: Edward Woolford, FHWA Utah Division
Todd Emery, FHWA Utah Division
Charles Mace, UDOT, Ogden

EPA SCOPING COMMENTS
S.R. 108

1. Alternatives Analysis

- Since this area is in transition from rural to suburban development, land use trends will determine impact on resources such as farmland, water quality and quantity, drinking water and air quality. A smart growth alternative may be a good idea (and a valuable tool) to examine in addition to your highway alternative. We would suggest that you look at some of the innovative tools (education, communication, partnerships) developed by New Jersey Department of Transportation in this arena. See www.state.nj.us/transportation/works/njfit
- The Alternatives Analysis should include information regarding the anticipated improvements for other local roads, as well as new proposed roads.
- The no-action or no-build alternative should look into the foreseeable future and make the basis for comparison (against other alternatives) of impacts on environmental resources.
- Information regarding increased bus service, transit and connections to light rail should also be examined in the Alternatives Analysis for this EIS. If this area is not conducive to mass transit, an explanation of why this is so, and what would be necessary for the area to be ready for mass transit, would be helpful.

2. Air Quality

- Impacts of highway alternatives on air quality must be quantified where possible. The primary issue of concern is motor vehicle emissions on air quality and their impact on 1) non-attainment areas; 2) Class I and II protection areas; and 3) areas where an air quality standard could be violated by increases in emissions due to increased motor vehicle use facilitated by completion of the project or the impact of not building a highway or transit project. Existing air quality and meteorological monitoring data should be presented, as well as needed data gathering to adequately perform air quality analysis and any monitoring proposed. For all projects, but especially for the location of this project it is important to include PM2.5 monitoring data and analysis.



- The air quality analysis must demonstrate that the proposed alternative would not cause or contribute to any violations of the National Ambient Air Quality Standards (NAAQS), that it will not cause the air quality to degrade by more than any applicable PSD (Prevention of Significant Deterioration) increment, and that it will not cause or contribute to visibility impairment. However, whether or not the project causes a violation of the NAAQS, a thorough analysis of the impacts of each alternative must be completed for the purpose of informing the public about environmental and health impacts, and for comparing the alternatives.
- A description of the existing air quality should be presented, including the study areas designation of attainment or non-attainment of National Ambient Air Quality Standards (NAAQS), including PM 2.5. This area is a maintenance area for carbon monoxide and in non-attainment for PM 10. Particular attention should be given to any areas along the corridor where people live near the highway (within 1000 feet) or where schools, hospitals, or elderly care facilities are near the facility. Residents and sensitive populations may be adversely impacted now or in the future and this should be discussed or the absence of these conditions should be noted.
- A localized analysis of carbon monoxide (CO) and PM-10 is required. It is useful to provide both one-hour and eight-hour concentrations. This analysis is required and should be proportional to the scope of the project. Until an EPA approved PM10 hotspot method is approved, a qualitative assessment for PM10 hotspots is acceptable.
- Area-wide analysis should be done for CO, PM10 (emissions and particulates made airborne from automobile use), and Volatile Organic Compounds, as well as any other criteria pollutants or hazardous pollutants which may be affected by the project. A new analysis may not be necessary if the project is included in the State Implementation Plan (SIP) emission inventory.
- The analysis should include a comparison of the "No Build" and all Build existing conditions, worst case conditions, and the design years.
- The traffic analysis should show the project's impact on average daily traffic, VMT, and speeds. The assumed population growth used to project traffic volumes should be identified to assure consistency with the population projections in the SIP.
- Construction impacts and appropriate control measures to be taken should be discussed, especially in regards to dust and diesel emissions. Due to the proximity to businesses and homes emissions directly from construction as well as emissions resulting from congestion and rerouted traffic resulting from construction is important.



- Monitoring should be conducted at areas of maximum concentration to which the public may be exposed. Refer to 44 FR 27586 (May 10, 1979) for monitoring guidance.
- A determination of whether the project conforms to the State Implementation Plan is required in Section 176(c) of the Clean Air Act (as amended November 15, 1991).
- An assessment of mobile source air toxics (MSATs) must be included. Each project must be considered individually regarding the level of MSAT analysis. But, in general, the discussion should include what the relevant MSATs are, their probable health effects, the quantitative (or in some cases qualitative) emission trends, likely receptors (nearby homes, businesses, schools), and sensitive populations impacted by MSATs (schools, hospitals, elder care facilities) near the proposed facilities.

Section 176(c) of the Clean Air Act

The analysis must describe any state or local air quality regulations or State Implementation Plan (SIP) requirements covering specific activities occurring as part of the project construction and/or implementation, and how compliance with those regulations or requirements will be achieved.

The conformity provisions of the Section 176(c) of the Clean Air Act requires that all federal actions conform to existing State Implementation Plans (SIP's), and prohibits federal agencies from taking any action that causes or contributes to a new violation of the NAAQS, increases the frequency or severity of an existing violation, or delays the timely attainment of a standard. Under section 176(c), the federal agency responsible for a proposed action is required to determine if its action will conform to the applicable SIP before the final EIS is completed. The final rule on the conformity provision can be found in 40 CFR Parts 51 and 93.

If you have questions regarding air quality analysis, please contact Mr. Jeffrey Kimes at EPA's Denver Office at 303-312-6445

3. Water Quality

- It appears that water quality impacts associated with stream crossings and wetlands will be minimal. However, in developing the Indirect Effects analysis, consider that growth in the area will cause further changes in land use trends from agricultural to suburban. Such change is likely to reduce the amount of natural, land cover, and replace it with impervious surfaces, such as roads, rooftops, shopping centers and parking lots. This type of change will cause an increase in non point source runoff, erosion, storm water management issues, localized flooding, and pollution of waterways.



- In addition, general highway citing, construction, operation, and maintenance can impact the water quality of streams, wetlands, and riparian areas, as well as cause floodplain encroachment. Highway projects should be planned to avoid or have minimal long-term water quality impacts. Water quality protection measures should be identified in the NEPA document.
- It is important to reduce and control erosion and sediment transport during construction, and to plan and design highways to minimize pollutant loading from highway runoff through use of appropriate Best Management Practices (BMPs).

4. Indirect Effects/Quality of Life/Smart Growth

- CEQ's regulations for implementing NEPA state that an EIS should include disclosure of: "Indirect effects and their significance (40 CFR 1502.16(b))." Indirect effects are defined as "...caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include **growth-inducing effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.**" (40 CFR 1508.9(b))

New highway construction that improves traffic flow and eliminates congestion can increase access and contribute to induced residential, commercial, industrial growth, and changed land uses. Increased rates of growth and land use changes caused by a highway project, constitute indirect effects that should be evaluated. Induced residential, commercial, and industrial growth and land use change affect air quality, water quality, wetlands, wildlife habitat loss and fragmentation, urban sprawl, loss of rural character, farm land and other natural resources. Road building and expansion often result in induced growth effects (sprawl), and stimulate increased use of privately owned vehicles and vehicle miles traveled. This, in turn, leads to increased auto dependency and demand for more roads. These types of indirect effects and appropriate mitigation measures need to be evaluated and disclosed in the EIS (i.e., identify existing condition and trends and forces shaping growth and development in the area; identify land with development potential and most likely locations of growth; identify sensitive environmental resources that may be impacted; estimate growth and impacts with and without project).

CEQ regulations also state that an EIS should include the "means to mitigate adverse environmental effects." (40 CFR 1502.16(h)) This provision applies to indirect effects as well as direct effects. Since the CEQ regulations require an analysis of indirect effects, the best time to identify such effects is prior to impacts, when there is better opportunity to avoid, minimize or mitigate for them. Much of the mitigation for indirect effects is subject to regulation by the city/county in which the highway will be constructed.





If analysis of indirect induced growth effects occurs before the highway project is completed, the city/county will be in a better position to effectively plan for future growth and develop mitigation measures for the impacts resulting from induced growth. The EIS should serve the function of offering the city/county adequate notice of the foreseeable environmental consequences, thus providing the opportunity to plan and implement corrective measures, if needed, in a timely manner.

The EIS can identify potential mitigation techniques for induced growth and associated environmental effects, such as:

- access controls (location of interchanges)
- local land use plans that affect or regulate new development
- zoning controls
- transfer of development rights
- growth management regulation (public facilities ordinances, development moratoria, urban growth boundaries, extraterritorial zoning/annexation)
- resource management and preservation regulations
- land acquisition and conservation easements
- incentives for Brownfields/infill development
- development fees and exactions.

The analysis of indirect effects should not rely solely on compliance with existing comprehensive land use plans. While comprehensive land use plans are an important component of the analysis of indirect effects, compliance with these plans could still result in adverse environmental effects.

Smart Growth

- Below are some examples of what planners may want to do with regard to the growth that is expected in this area. Consider opportunities to reduce transportation demand, and where demand exists, address the underlying transportation need of moving people and goods, and not necessarily cars. See:
<http://www.fhwa.dot.gov/planning/sgindex.htm>
<http://www.epa.gov/smartgrowth/>
- Provide analytical support for community-generated ideas. It may be possible to combine several ideas/alternatives that, collectively, will address the project need. A package of alternatives could include alternative transportation modes, trip reduction, land use adjustments, parking controls, pricing mechanisms, other incentives and/or disincentives, new route design or traffic circulation patterns, and more.



- Emphasize transportation demand management. Include transportation demand management (trip reduction) and transportation system management (TDM and TSM) in all projects and alternatives, with the greater emphasis upon TDM. An array of travel alternatives, roadway use options such as carpool lanes, financial incentives, work hours and location management options exist, and more ideas are being generated. Land use strategies, such as mixed use and transit oriented development, also serve to curb travel demand.
- Maximize the use of existing infrastructure. Prevent further habitat degradation, fragmentation, and loss by making better use of existing transportation infrastructure. For example, emphasize use of existing rights-of-way, improving existing rail lines, roads, and trails, and better integrating existing transportation infrastructure with land use planning. Actions such as re-striping pavement to provide bike lanes, peak hour lane conversion for high occupancy vehicles (HOV), and transit priority/preference techniques such as traffic signal override and synchronization, are easy, inexpensive innovations that can make a difference in traffic flow and livability.
- Consider redevelopment. Redevelopment prevents sprawl and protects farms, forests, and natural lands by making better use of existing developed areas and urban space. It can also exert a positive influence on the surrounding community. Businesses thrive when they are located in attractive settings that are accessible to pedestrians, bicyclists, and public transportation; communities develop when people get out of their cars; and the amenities provided by the natural environment, farmlands, and rural areas remain intact.
- EPA is willing to engage with UDOT and FHWA to see if any of these smart growth principles are applicable or workable in this area. Please contact Robin Coursen at 303-312-6695 if you would like to explore this issue further.